

Community Planning and Economic Development Department – Planning Division
Rezoning, two Conditional Use Permits, four Variances and Major Site Plan Review
BZZ-1405

Date: November 17, 2003

Applicant: JADT Development Group, LLC

Address of Property: 2201 West River Road North

Development Name: Riverview Homes Phase IV

Contact Person and Phone: Timothy Baylor, (763) 592-0911

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: October 21, 2003

End of 60-Day Decision Period: December 20, 2003

End of 120-Day Decision Period: Not applicable

Ward: 3 **Neighborhood Organization:** Hawthorne Area Community Council

Existing Zoning: I1

Proposed Zoning: I1 Industrial Living Overlay District

Proposed Use: 71-unit condominium development

Previous Actions: None

Concurrent Review:

Rezoning: petition to add the IL (Industrial Living) Overlay District to the existing I1 District

Conditional use permit: for 71 dwelling units

Conditional use permit: to increase the height of the building in the SH (Shoreland) Overlay District and the MR (Mississippi River) Overlay District from 2.5 stories or 35 feet and in the I1 Zoning District from 4 stories or 56 feet to 10 stories or 95 feet

Variance: to reduce the minimum lot area from 760.9 square feet per dwelling unit to 535.9 square feet per dwelling unit

Variance: to increase the maximum Floor Area Ratio from 3.51 to 4.22 (was noticed as 3.24 to 4.54)

Variance: to reduce the rear yard setback from the required 23 feet to 10 feet

Variance: to reduce the north interior side yard setback from the required 23 feet to 17 feet

Major site plan review

Community Planning and Economic Development Department – Planning Division
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Background The applicant is proposing to demolish the existing Doyle Lock Supply building located at 2201 West River Road North and construct a new ten-story, 71-unit condominium development with approximately 8,250 square feet of retail space on the first floor of the building that faces West River Road North.

Amenities near the subject site include close proximity and access to downtown, the close proximity to the Mississippi River, riverfront and parkland and views of the Minneapolis skyline and riverfront.

Neighborhood Review: The Hawthorne Area Community Council was notified on October 8, 2003 of the proposed land use application submitted by the JADT Development Group, LLC. Staff has not received a response from the neighborhood organization.

Attachments:

1. Zoning Map
2. CUP and variance findings
3. September 17, 2003 letter to CM Don Samuels and the Hawthorne Area Community Council
4. E-mail response from AFCAC
5. Site, elevation and floor plans and sign information
6. Photographs of the site and surrounding area

REZONING

Zoning Plate Number: 8

Legal Description: That part of the South 180.0 feet of Lot 2, Block 1, North Washington Industrial Center, Hennepin County, Minnesota, lying Easterly of Westerly 250.0 feet thereof.

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The site is located in a light-industrial area. West Broadway Avenue, which is located two blocks south of this site, is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and marked demand.
- Support development of residential dwellings of appropriate form and density.
- Encourage new development to use human scale design features and incorporate sunlight, privacy and view elements into building and site designs.
- Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

This proposal is consistent with the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment will allow the property owner to construct a 71-unit condominium development. In no way does adding the IL Overlay remove any rights of the I1 zoning district. City stakeholders have identified this area as being suitable for housing as Phases 1 and 2 of the Riverview Homes development have been approved by the Minneapolis City Council. Approving this rezoning supports the City's decision to add housing along the upper river in this particular area.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is bordered by I2 zoning with the IL Overlay to the north and I1 zoning to the west, south and east. Adjacent uses include two multiple-family housing developments, a railroad line, industrial uses, the Minneapolis Park and Recreation headquarters and the Mississippi River.

The proposed IL Overlay is compatible with the immediately surrounding area. The IL Overlay is established to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the I1 and I2 Industrial Districts where such uses are compatible with other uses in the area. In this particular situation the IL Overlay would be added to a property that is adjacent to other properties that have the IL Overlay on them. Both of the properties have been approved for multiple-family housing developments.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the I1 zoning district. The I1 zoning district is a light industrial district. Permitted uses in the I1 district include, but are not limited to, the following:

- Light industrial uses
- Film, video and audio production
- Packaging of finished goods
- Self service storage
- Art gallery
- Photocopying
- Coffee shop, with limited entertainment
- Hotel
- Clinic, medical or dental

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its

present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned M3-2, General Manufacturing district. The M3-2 zoning district was the most intensive of the manufacturing districts. In 1999, the majority of the area was rezoned I1, Light Industrial. In the last two years two properties owned by the applicant have had the IL Overlay District added to them to allow for a multi-phase housing development.

RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to add the IL (Industrial Living) Overlay District to the existing I1 District for the property located at 2201 West River Road North.

CONDITIONAL USE PERMIT – for a 71-unit condominium development

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed development would provide 71 condominiums on a site located along the upper Mississippi River. The area hosts a mixture of uses including restaurants, bars, office uses and light and medium industrial uses. The existing industrial uses range in their intensity. There are contradicting uses in the area. Despite the various industrial uses to the west, the site fronts on the significant historical and cultural amenity of the Mississippi River and has exceptional views of downtown. Staff does not believe that the third-story of the applicant's house should be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Utilizing the site for residential development would provide additional opportunities for housing in the city and along the Mississippi River. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

Although there could be conflicts between the nearby industrial uses and the proposed development this site is adjacent to two multiple-family housing developments and the Mississippi River. Because of this location staff believes that the potential to impede the normal and orderly development of the existing nearby industrial uses is less than with the first two multi-family housing developments that were approved in this location.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

All of the required parking for the development is being provided below the building in an enclosed parking garage. Access to the below-ground parking garage is via a curb-cut off of West River Road North.

5. Is consistent with the applicable policies of the comprehensive plan.

The site is located in a light-industrial area. West Broadway Avenue, which is located two blocks south of this site, is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and marked demand.
- Support development of residential dwellings of appropriate form and density.
- Encourage new development to use human scale design features and incorporate sunlight, privacy and view elements into building and site designs.
- Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

This proposal is consistent with the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

With the approval of the rezoning, the two conditional use permits, the four variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and approve the conditional use permit application to allow a 71-unit condominium development located at 2201 West River Road North subject to the following conditions:

1. There shall be no more than 71 dwelling units in the building.
2. The applicant shall record the Conditional Use Permit with the Office of the Hennepin County Recorder or Registrar of Titles, whichever is appropriate, and evidence of proper filing shall be submitted to the zoning administrator prior to issuance of any building permits.
3. The applicant shall record cross access easements providing access to and use of the below-ground parking garage with the Office of the Hennepin County Recorder or Registrar of Titles, whichever is appropriate, and evidence of proper filing shall be submitted to the zoning administrator prior to issuance of any building permits.

CONDITIONAL USE PERMIT – to increase the height of the building in the SH (Shoreland) Overlay District and the MR (Mississippi River) Overlay District from 2.5 stories or 35 feet and in the I1 Zoning District from 4 stories or 56 feet to 10 stories or 95 feet

Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use – Multiple-Family Housing Development:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. **Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The applicant is seeking a conditional use permit to increase the height of the building in the SH Overlay District and the MR Overlay District from 2.5 stories or 35 feet and in the I1 Zoning District from 4 stories or 56 feet to 10 stories or 95 feet. Please note that the actual number of floors within the building is 8. The zoning code limits the height of a story to 14 feet. In this particular situation the first floor of the building measures almost 20 feet in height and is therefore considered 2 stories. In addition, the mechanical penthouse level is also used as a community room and is also considered a story.

Staff does not believe that a ten-story, 95-foot high development will be detrimental to the surrounding area. A Conditional Use Permit was granted to increase the height of Phase I and Phase II of the Riverview Homes development to 42 feet and to 57 feet respectively. Although the height of this development is taller than what has recently been approved in the area the majority of the building is

located outside of the SH and MR Overlays and is not located in the view corridor as called for in the *Above the Falls Master Plan*.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The proposed 95-foot high development should not be injurious to the use and enjoyment of other property in the area nor should it impede on possible future development.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The additional height of the development should have no affect on area utilities, access roads, drainage or other facilities.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The additional height of the development should have no affect on the traffic congestion in the area.

5. Is consistent with the applicable policies of the comprehensive plan.

The site is located in a light-industrial area. According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development of residential dwellings of appropriate form and density.
- Encourage new development to use human scale design features and incorporate sunlight, privacy and view elements into building and site designs.
- Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

This proposal is consistent with the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, the two conditional use permits, the four variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

Staff does not believe that the proposed height will limit surrounding properties access to light and air as the proposed development is located 30 feet away from the proposed multi-family housing development to the north and over 50 feet away from the existing industrial building to the west.

2. Shadowing of residential properties or significant public spaces.

Staff believes that some shadowing may occur on Phase III of the Riverview Homes development and on the adjacent parkland during the late afternoon and early evening due to the location of the proposed development. However, the shadowing would be minimal given that the applicant designed Phases III and IV at the same time and arranged the buildings in such a way to minimize shadowing on Phase III. In addition, the adjacent parkland is located over 100 feet from the 95-foot high portion of the proposed development.

3. The scale and character of surrounding uses.

Most of the industrial buildings west of the site are one and two stories, however there is a former factory building located to the northwest of the site that is four stories tall. It is difficult to compare the scale and character of the existing industrial uses with a new residential use as most industrial buildings are not over two stories in height. The scale of this development will be compatible with the scale of the other multi-family housing developments in the area.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

Significant open spaces, bodies of water and landmark buildings do exist at the site. The Minneapolis skyline is visible from the site as well as the Mississippi River. The *Above The Falls Plan* calls for a view corridor through this site. The developer has maintained the view corridor as outlined in the plan.

RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit application to increase the height of the building in the SH (Shoreland) Overlay District and the MR (Mississippi River) Overlay District from 2.5 stories or 35 feet and in the I1 Zoning District from 4 stories or 56 feet to 10 stories or 95 feet for the property located at 2201 West River Road North.

VARIANCE - to reduce the minimum lot area from 760.9 square feet per dwelling unit to 535.9 square feet per dwelling unit

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Lot area: The applicant is seeking a variance to reduce the minimum lot area from 760.9 square feet per dwelling unit to 535.9 square feet per dwelling unit (30 percent). Please note that this variance is being requested after taking advantage of the twenty percent density bonus for providing enclosed parking. After calculating the density bonus the applicant could construct up to 50 dwelling units. The applicant is asking for a variance that would allow up to 71 dwelling units. Without the granting of the variance, the applicant may not have the ability to construct a building that is consistent with the principles and policies of the city's comprehensive plan.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Lot area: The site's close proximity and access to downtown, to the Mississippi River, to West Broadway Avenue which is a designated Commercial Corridor and to Washington Avenue which is a bus route leading into downtown are unique circumstances that are not generally applicable to other properties in the I1 zoning district.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Lot area: The granting of the variance to allow twenty-one additional dwelling units on the property would not significantly affect the essential character of the area provided that one off-street parking space is reserved for each dwelling unit.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Lot area: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed lot area reduction be detrimental to welfare or public safety.

**RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT
DEPARTMENT – PLANNING DIVISION:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance to reduce the minimum lot area from 760.9 square feet per dwelling unit to 535.9 square feet per dwelling unit for the property located at 2201 West River Road North.

VARIANCE - to increase the maximum Floor Area Ratio from 3.51 to 4.22

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

FAR: The applicant is seeking a variance to increase the maximum Floor Area Ratio from 3.51 to 4.22. Please note that this variance is being requested after taking advantage of the twenty percent density bonus for providing enclosed parking. Without the granting of the variance, the applicant may not have the ability to construct a building that is consistent with the principles and policies of the city's comprehensive plan. In addition, staff calculated the proposed FAR for Phases III, IV and V in order to see how the overall number would compare had all three sites come in as a Planned Unit Development (PUD). The resulting FAR given the lot area for all three phases (173,441 square feet) and the gross floor area of Phases III and IV (240,298 square feet) is 1.39 which is less than the allowable 2.7 in the I1 zoning district.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

FAR: The site's close proximity and access to downtown, to the Mississippi River, to West Broadway Avenue which is a designated Commercial Corridor and to Washington Avenue which is a bus route leading into downtown are unique circumstances that are not generally applicable to other properties in the I1 zoning district.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

FAR: The granting of the variance to allow a larger FAR would not significantly affect the essential character of the area provided that when Phase V is designed that it maintain the FAR that would be allowed if Phases III, IV and V came in as a PUD. Taking this into consideration Phase V could be as large as 227,992 square feet.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

FAR: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed FAR increase be detrimental to welfare or public safety.

RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum Floor Area Ratio from 3.51 to 4.54 for the property located at 2201 West River Road North.

VARIANCE - to reduce the rear yard setback from the required 23 feet to 10 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from the required 23 feet to 10 feet. The applicant has indicated that in order to maintain the view corridor along the Mississippi River that the building cannot be moved any closer to the front lot line than is currently located. In addition, if the development did not have any windows along the rear wall there would not be a setback requirement from the rear property line. Please note that there is no building immediately adjacent to the rear property line.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Rear yard setback: Needing to maintain the view corridor along the Mississippi River is a unique circumstance that is not generally applicable to other properties in the I1 zoning district.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Rear yard setback: The granting of the variance to allow a 10-foot setback from the rear property line would not significantly affect the essential character of the area provided that there is sufficient access to the rear of the property in case of an emergency.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Rear yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance to reduce the rear yard setback from the required 23 feet to 10 feet for the property located at 2201 West River Road North.

VARIANCE - to reduce the north interior side yard setback from the required 23 feet to 17 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 23 feet to 17 feet. The applicant has indicated that Phases III and IV share an underground parking garage and that in order to maintain the shared access point that the Phase IV development needed to be located closer to the north interior property line. In addition, if the development did not have any windows along the north wall there would not be a setback requirement from the interior property line. Please note that the total distance between the two buildings is 30 feet.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

North interior side yard setback: The shared underground parking garage is a unique circumstance that is not generally applicable to other properties in the I1 zoning district.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

North interior side yard setback: The granting of the variance to allow a 17-foot setback from the interior property line would not significantly affect the essential character of the area provided that there is sufficient access to the interior of the property in case of an emergency.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

North interior side yard setback: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the north interior side yard setback from the required 23 feet to 17 feet for the property located at 2201 West River Road North.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The entire building is setback 15 feet from the front property line along West River Road North and 8 feet from the corner side property line along 22nd Avenue North. The building does reinforce the street wall, maximizes natural surveillance and facilitates pedestrian access. The condominium entrance is located off of 22nd Avenue North and the three retail entrances are located off of West River Road North. The area between the building and the front and corner side property lines are proposed to be landscaped.
- All of the required parking for the development is being provided below the building in an enclosed parking garage. Access to the below-ground parking garage is via a curb-cut off of West River Road North. In addition, there are twenty-eight parking spaces located on the first floor of the building. Access to these parking spaces is via a curb cut off of 22nd Avenue North. These parking spaces are intended to be used by guests for short-term use.
- This development is proposed to be a ten-story (8 floors) building. The exterior materials being used on the building include brick, stucco and stone. The walls of the building have been broken up into smaller sections through the use of varying setbacks, varying window configurations, emphasized

entrances, balconies and different exterior materials. The sides and back of the building are compatible with the front of the building and plain face block will not be visible from the street.

- The percentage of windows required for the first floor of the building that faces West River Road North and 22nd Avenue North is 20 percent. According to the submitted drawings, the amount of windows provided exceeds this requirement.

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The applicant is proposing to construct a five-foot walkway around the perimeter of the site and four-foot walkways from the perimeter walkway to the three retail spaces. There is no walkway leading from the perimeter walkway to the condominium entrance. Staff is recommending that such a walkway be added. The perimeter walkway will function as the public sidewalk as there isn't one on this block.
- There are no bus stops being proposed as part of this development.
- The development conforms with the zoning code and with the requirements of the Public Works Department in regard to vehicular access and circulation.
- A snow removal plan was not submitted as part of this application. Staff is recommending that a snow removal plan be submitted for final approval.

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- According to the applicant, once the project is complete approximately 28 percent of the site will be landscaped (please see the attached landscaping plan). The city's landscaping consultant has not reviewed the landscaping plan.
- A portion of the concrete retaining wall that is proposed to be constructed as part of the Phase III development is located on this site. Staff is recommending that the concrete retaining wall be faced with brick that matches the building.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**

- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The lighting plan conforms with the requirements of the zoning code.
- Significant open spaces, bodies of water and landmark buildings do exist at the site. The Minneapolis skyline is visible from the site as well as the Mississippi River. The *Above The Falls Plan* calls for a view corridor through this site. The developer has maintained the view corridor as outlined in the plan.
- Staff does not believe that the proposed height will limit surrounding properties access to light and air as the proposed development is located 30 feet away from the proposed multi-family housing development to the north and over 50 feet away from the existing industrial building to the west.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that the guest parking be designated as such through signage.
- This site is neither historic nor located in a historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the rezoning, the two conditional use permits, the four variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

The site is located in a light industrial area. According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support development of residential dwellings of appropriate form and density.
- Encourage new development to use human scale design features and incorporate sunlight, privacy and view elements into building and site designs.
- Promote design solutions for automobile parking facilities that reflect the principles of traditional urban form.
- Orient new housing to the street to foster safer neighborhoods.
- Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

This proposal is consistent with the comprehensive plan.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

The *Above the Falls Master Plan* was adopted by the Minneapolis City Council in June of 2000. This plan anticipates land use changes along the upper Mississippi River. The plan calls for a mix of uses along the west bank. According to the “Preferred Plan”, the subject site is envisioned as light industrial/business park. Although this development does not adhere to the vision of the *Above the Falls Master Plan*, city stakeholders have identified this area as being suitable for housing as Phases 1 and 2 of the Riverview Homes development have been approved by the Minneapolis City Council.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Staff recommends that the City Planning Commission grant alternative compliance to allow the front wall of the building to be set back more than eight feet from the front property line along West River Road North provided that the area between the building and the front property line be densely landscaped.

RECOMMENDATION OF THE COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for Phase III of the Riverview Homes development located at 2201 West River Road North subject to the following conditions:

1. The Planning Department shall approve the final site, landscaping and elevation plans.
2. There shall be a five-foot walkway leading from the perimeter walkway to the condominium entrance.

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3. A snow removal plan shall be submitted for final approval.
4. The concrete retaining wall shall be faced with brick that matches the building.
5. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
6. All site improvements shall be completed by November 17, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
7. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.